



# PUBLIC NOTICE

**Federal Communications Commission**  
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**DA 22-897**

**Released: August 31, 2022**

## **STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

**CC Docket No. 02-6**  
**WC Docket No. 21-93**  
**WC Docket No. 02-60**  
**WC Docket No. 06-122**

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.<sup>1</sup> The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from the release date of this Public Notice.<sup>2</sup>

### **Schools and Libraries (E-Rate)**

**CC Docket No. 02-6**

Dismissed as Insufficient<sup>3</sup>

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<sup>1</sup> See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Sections 54.719(b) and 54.1718(a)(2) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Sections 54.719(c) and 54.1718(a)(3) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR §§ 54.719(b)-(c) and 54.1718(a). In this Public Notice, we have reclassified as Requests for Waiver any appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review any appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

<sup>2</sup> See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

<sup>3</sup> See 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by the Administrator, including the requirement that the request for review include supporting documentation); see also *Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require: (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation;

(continued....)

Unicoi County Public Library, TN, Application No. 211037079, CC Docket No. 02-6 (filed June 10, 2022)

Dismiss as Moot<sup>4</sup>

Bais Chinuch L'Bonois Boyis Ruchel LLC, NJ, Application Nos. 221039309, 221039313, CC Docket No. 02-6 (filed June 14, 2022)

Pasadena Public Library, CA, Application No. 221039796, Request for Waiver, CC Docket No. 02-6 (filed June 16, 2022)

Plattsburgh Public Library, NY, Application No. 221039540, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2022)

Sayre Public Schools, OK, Application No. 221039261, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2022)

Dismissed on Reconsideration<sup>5</sup>

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(3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

<sup>4</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Diversified Computer Solutions, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5250, 5251, para. 3 (WCB 2012) (dismissing appeals as moot where issue presented has been resolved).

<sup>5</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (*Allan Shivers Library Order*) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

On reconsideration, George Jackson Academy, School for Language & Development d/b/a Tiegerman School, Valley Torah High School, North Tampa Christian Academy, Jewish Beginnings, Inc., Step Special Torah Education Program, Hillel Academy, and Yeshiva Gedolah of Waterbury raise a new argument that they did not raise in their previous filings. They now argue that COVID-19 was a contributing factor in their staffing issues that led to invoices being submitted after the deadline. Our rules state that a petition for reconsideration will be entertained only if the petition relies on facts or arguments that have changed or were unknown to the petitioner when it previously filed at the Commission. Because the petitioners were aware when they first filed their waiver requests with the Commission that the coronavirus (COVID-19) pandemic contributed to the submission of the late invoices, we dismiss the petitions because they rely on a known fact that should have been raised earlier. See 47 CFR § 1.106(b)(2), (c)(2) (noting that a petition for reconsideration will be entertained only if the petition relies on facts or arguments that have changed or were unknown to the petitioner when it previously filed at the Commission, unless it is required in the public interest). As an alternative and independent basis for rejecting these petitioners' petitions, we deny the requests on the merits. While we are sympathetic to the argument raised by the petitioners, we find that staff turnover during the COVID-19 pandemic does not constitute extraordinary circumstances that justify a waiver of our rules and we deny these requests for reconsideration. See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3835, para. 7 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver, including instances when there was staff turnover); see also *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of (continued....)

Essex-Westford School District, VT, Application No. 201024053, Petition for Reconsideration, CC Docket No. 02-6 (filed July 25, 2022)

George Jackson Academy, NY, application No. 191029855, Petition for Reconsideration, CC Docket No. 02-6 (filed July 18, 2022)

Hillel Academy, WI, Application Nos. 201017828, 201039643, Petition for Reconsideration, CC Docket No. 02-6 (filed July 18, 2022)

Jewish Beginnings, Inc., WI, Application Nos. 201039669, 201017832, Petition for Reconsideration, CC docket No. 02-6 (filed July 18, 2022)

North Tampa Christian Academy, FL, Application Nos. 191039083, 201020688, Petition for Reconsideration, CC Docket No. 02-6 (filed July 18, 2022)

School for Language & Development dba Tiegerman School, NY, Application No. 191038183, Petition for Reconsideration, CC Docket No. 02-6 (filed July 18, 2022)

Step Special Torah Education Program, NY, Application No. 191038579, Petition for Reconsideration, CC Docket No. 02-6 (filed July 18, 2022)

Tekstar Communications, Inc. (Monticello School District 882, Pioneerland Library System), MN, Application Nos. 181000776, 181009442, Petition for Reconsideration, CC Docket No. 02-6 (filed June 23, 2020)

Valley Torah High School, CA, Application No. 201022456, Petition for Reconsideration, CC Docket No. 02-6 (filed July 18, 2022)

Yeshiva Gedolah of Waterbury, CT, Application No. 201040728, Petition for Reconsideration, CC Docket No. 02-6 (filed July 18, 2022)

#### Granted<sup>6</sup>

##### *Competitive Bidding – Waiver of the Competitive Bidding 28-Day Rule<sup>7</sup>*

Fowlerville Community Schools, MI, Application No. 181025403, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 15, 2019)

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Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

<sup>6</sup> We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding decision based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. *See* 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

<sup>7</sup> *See, e.g., Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757 (2007) (granting waivers of violations of the 28-day rule when the applicants only missed the deadline by one to three days, thereby, allowing their requests for services to be competitively bid for a meaningful period of time).

*FCC Form 471 Applications Filed Timely*<sup>8</sup>

The Center School, NJ, Application No. 221022643, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2022)

*Invoice Timely Filed*<sup>9</sup>

St. Benedict School, WA, Application No. 201019137, Request for Waiver, CC Docket No. 02-6 (filed Aug. 14, 2022)

*Late-Filed FCC Form 471 Applications – Application Filed More than 30 Days Late*<sup>10</sup>

Aletheia Christian Academy, FL, Application No. 221040675, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2022)

Aletheia Christian Academy, FL, Application No. 221040694, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2022)

Becoming Collegiate Academy, FL, Application No. 221040650, Request for Waiver, CC Docket No. 02-6 (filed June. 22, 2022)

Bibliotech, TX, Application No. 221040560, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2022)

Carthage Elementary School District, IL, Application No. 221040191, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2022)

Comal Independent School District, TX, Application No. 221040569, Request for Waiver, CC Docket No. 02-6 (filed June 20, 2022)

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<sup>8</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 7 (2010) (*Academy of Math and Science Order*) (finding that petitioners timely filed their FCC Forms 471 within the relevant FCC Form 471 application filing window).

<sup>9</sup> Consistent with our obligation to conduct a de novo review of appeal decisions issued by USAC, we grant this request for review. See 47 CFR § 54.723. We find that St. Benedict School filed timely an FCC Form 472 (BEAR) invoice but mistakenly returned the funds to USAC without realizing that the service provider would be incapable of filing an FCC Form 474 (SPI) request for reimbursement because the BEAR method was reflected in the system as the invoicing mode. Because this BEAR form was submitted before the respective invoice deadline, USAC should provide the applicant the opportunity to refile a BEAR form on remand and reclaim the funds. In this instance, we waive sections any procedural deadlines, including section 54.514(a) that might be necessary to effectuate our ruling. See also *supra* note 6.

<sup>10</sup> See *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Agri-Business Child Development et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 8278, 8280, para. 7 (WCB 2020) (*Agri-Business Child Development Order*) (finding good cause to waive the FCC Form 471 application filing deadline for applicants impacted by the coronavirus (COVID-19) pandemic that requested a waiver of the filing deadline and submitted their applications within 60 days of the close of the filing window). Because the *Agri-Business Child Development Order* was released August 6, 2020 after the funding year 2020 window had closed, the Bureau also found good cause existed to waive the funding year 2020 FCC Form 471 application filing deadline for those applicants filing their applications on or before that date, waiving the filing deadline for applications that were submitted up to 99 days late. We extend this waiver standard to funding year 2022 applicants but emphasize that this additional relief applies only to this subset of applications and applicants should not expect the Commission to grant additional waivers absent a showing of extraordinary circumstances.

Cong. Bnai Yoel, NY, Application No. 221040576, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2022)

Des Plaines Public Library DPPL, Bethesda Christian School, Holy Spirit School, Application Nos. 221039906, 221040497, 221040436, Request for Waiver, CC Docket No. 02-6 (filed June 20, 2022)<sup>11</sup>

Dunsmuir Elementary School, Application No. 221032299, Request for Waiver, CC Docket No. 02-6 (filed June 23, 2022)

Elementary School District #159, IL, Application No. 221040533, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2022)

Elgin Public Library, IA, Application No. 221040644, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2022)

Explore Academy ABQ, NM, Application No. 221040567, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2022)

Fitkids, Inc. Dba Champion Schools, AZ, Application No. 221040588, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2022)

Florida Conference Office of Education, FL, Application No. 221040469, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2022)

Georgetown School District, OH, Application No. 221040611, Request for Waiver, CC Docket No. 02-6 (filed June 10, 2022)

Gilead Christian School District, OH, Application No. 221040583, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2022)

Glenbrook School of Minden, LA, Application No. 221040584, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2022)

Goffstown School District, NH, Application No. 221040660, Request for Waiver, CC Docket No. 02-6 (filed June 24, 2022)

Highland Free School, AZ, Application No. 221040614, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2022)

Hope Christian Academy, FL, Application No. 221040664, Request for Waiver, CC Docket No. 02-6 (filed June 24, 2022)

Illini West High School District # 307, IL, Application No. 221040554, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2022)

Indiahoma Public School, OK, Application No. 221004739, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2022)

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<sup>11</sup> One of the FCC Form 471 applications was filed within 14 days of the window close. *See, e.g., Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (finding special circumstances existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the application filing window deadline).

International Community School, GA, Application No. 221040678, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2022)

Jefferson County School District, FL, Application No. 221040610, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2022)

Lake Granbury Academy, TX, Application No. 221040502, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2022)

Litchfield Public School District, NE, Application No. 221040558, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2022)

Moffat School District 2, CO, Application No. 221040619, Request for Waiver, CC Docket No. 02-6 (filed June 14, 2022)

Moravia School District, IA, Application No. 221040591, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2022)

Newark Comm H S District 18, IL, Application No. 221040321, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2022)

New Boston School District, NH, Application No. 221040661, Request for Waiver, CC Docket No. 02-6 (filed June 24, 2022)

New West Charter, CA, Application Nos. 221040607, 221040625, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2022)

Okaloosa County School District, FL, Application No. 221040636, Request for Waiver, CC Docket No. 02-6 (filed June 17, 2022)

Portsmouth School District, Imagine School at Land O Lakes, Fishburne Military School, Laguna Blanca School, Cristo Rey Jesuit High School – Chicago, Friendship Christian School, Harker School, Zion Christian Academy, Foundation Academy, Application Nos. 221040144, 21040400, 211023852, 221040510, 221040489, 221040304, 221040506, 221040180, 221040189, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2022)<sup>12</sup>

Quitman Independent School District, TX, Application No. 221040676, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2022)

Rush Springs School District 68, OK, Application No. 221040366, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2022)

Sandia Preparatory School, NM, Application No. 221040669, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2022)

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<sup>12</sup> Several of the FCC Form 471 applications were filed within less than 30 days of the window close. *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Abbotsford School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (*Abbotsford School District Order*) (finding that the applicant filed its FCC Form 471 application beyond 14 days of the FCC Form 471 filing deadline due to delays beyond their control); *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (finding special circumstances existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the application filing window deadline).

School District Unit 46, IL, Application No. 221040624, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2022)

St. Patrick Elementary School, IL, Application No. 221040705, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2022)

St. Patrick School, WI, Application No. 221040580, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2022)

United Brethren In Christ Academy, IL, Application No. 221039738, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2022)

Unity Point CC School District 140, IL, Application No. 221014762, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2022)

Westwood Christian School, FL, Application No. 221040674, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2022)

Wheaton School District 803, MN, Application No. 221031409, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2022)

*Late-Filed FCC Form 471 Applications – Due to Circumstances Beyond Their Control*<sup>13</sup>

Andrew Community School District, IA, Application No. 221023333, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2022)

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*<sup>14</sup>

Climax School District 592, MN, Application No. 221039781, Request for Waiver, CC Docket No. 02-6 (filed Apr. 4, 2022)

Hardin Independent School District, TX, Application No. 221039959, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2022)

Logan School For Creative Lrng, CO, Application Nos. 221039954, 221039824, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2022)<sup>15</sup>

Maimonides Hebrew Day School, FL, Application No. 221039577, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2022)

Maimonides Hebrew Day School, NY, Application No. 221039571, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2022)

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<sup>13</sup> See, e.g., *Abbotsford School District Order*, 27 FCC Rcd at 15300, para. 2 (finding that the applicant filed its FCC Form 471 application beyond 14 days of the FCC Form 471 filing deadline due to delays beyond their control).

<sup>14</sup> See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (finding special circumstances existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the application filing window deadline).

<sup>15</sup> Consistent with precedent, we also find good cause exists to waive section 54.720(a) or (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late).

Northeastern Educational Intermediate Unit 19, PA, Application No. 221039780, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2022)

Southeastern Massachusetts Educational Collaborative, MA, Application No. 221039980, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2022)

St. Patrick School, CA, Application No. 221039266, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2022)

*Ministerial and/or Clerical Errors*<sup>16</sup>

Chautauqua Cattaraugus Library System, NY, Application No. 221034395, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 20, 2022, supplemented July 13, 2022 and Aug. 10, 2022)

Green Dot Public Schools, CA, Application No. 181011109, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 15, 2022)

Mountain Home Public Library, ID, Application No. 221025674, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 15, 2022, supplemented July 26, 2022)

Warren Township Schools, NJ, Application No. 221010538, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 28, 2022)

Westmoreland County School District, VA, Application No. 221010246, Request for Review, CC Docket No. 02-6 (filed Aug. 2, 2022 supplemented Aug. 9, 2022)

Winchester City Public Schools, VA, Application No. 201005344, Request for Review, CC Docket No. 02-6 (filed Feb. 17, 2021)

*Signed Contract Requirement*<sup>17</sup>

Kansas City Unified School District 500, KS, Application No. 171046166, Request for Waiver, CC Docket No. 02-6 (filed Aug. 2, 2022)

*Unintentional Cancellation of Funding Request*<sup>18</sup>

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<sup>16</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17319-20, nn.12, 13 & 19, 21(WCB 2010) (granting a waiver where the applicant mischaracterized its discounted price as its pre-discounted price or entered the wrong pre-discount price from a source list omitted items from its source list on its FCC Form 471 or mislabeled a monthly charge as an annual charge); *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket 13-184, 29 FCC Rcd 8870, 8955-56, para 218 (2014) (finding that “an applicant can add eligible schools within its district that were inadvertently omitted from its applications, even after the deadline for making changes to the FCC Form 471”); *Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium et al.*, *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8747, 8750-51, paras. 7-8 (2007) (finding that applicants had provided sufficient documentation to show that they might be eligible for E-rate support, justifying further review by USAC to reach a definitive determination); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Joseph Jingoli & Son, Inc., et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 19227, 19228-29, paras. 3-4 (WCB 2007) (*Joseph Jingoli & Son, Inc. Order*) (granting Petitioners’ request to correct a mistaken cancellation of a funding request).

<sup>17</sup> See, e.g., *Requests for Waiver of the Decision of the Universal Service Administrator by Adams County School District 14 et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6019, 6022-23, paras. 8-9 (2007) (granting a waiver of the Commission’s contract rules for applicants that entered into an agreement with their service providers shortly after submitting their FCC Form 471).



IDEA Public Schools, TX, Application No. 211023877, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 2, 2022)

*Waiver of Appeal Filing Deadline*<sup>19</sup>

New Mexico Military Institute, NM, Application No. 221014463, Request for Waiver, CC Docket No. 02-6 (filed July 29, 2022)

Pinnacle Network, LLC (Houston County Board of Education), AL, Application No. 211026522, Request for Waiver, CC Docket No. 02-6 (file June 1, 2022)

*Waiver of Special Construction Service Delivery Deadline*<sup>20</sup>

Forest Hills Public Schools, MI, Application No. 201030349, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2022)

The Department of Innovation and Technology Consortium, IL, Application No. 211021987, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2022)

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<sup>18</sup> See, e.g., *Joseph Jingoli & Son, Inc. Order*, 22 FCC Rcd at 19228-29, paras. 3-4 (granting petitioners' requests to restore mistakenly cancelled funding requests).

Consistent with precedent, we also grant a waiver of the appeal filing deadline. See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late or submitted their appeals within a reasonable period after receiving actual notice of USAC's adverse decision).

<sup>19</sup> See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of filing deadline for appeals because they submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision or submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision).

To correct problems with a rejected invoice, Pinnacle Network, LLC worked with USAC personnel instead of filing an appeal request. After working with USAC staff for a considerable period of time, the school district was told to file an appeal, which was after the appeal filing deadline.

We make no finding on the underlying issues in these appeals and remand these applications back to USAC to make a determination on the merits. See also *supra* note 6.

<sup>20</sup> See, e.g., *Requests for Waiver of the Decisions of the Universal Service Administrator by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, 33 FCC Rcd 10048, 10051, para. 8 (WCB 2018) (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures).

We find that these petitioners were unable to complete implementation for reasons beyond their and their service providers' control and made good faith efforts to comply with Commission rules and procedures. Accordingly, we waive the special construction service delivery deadline and direct USAC to provide the applicants until June 30, 2023 to complete their special construction projects.

For these petitioners, we also waive any associated administrative or procedural deadlines, including section 54.514(a), that might be necessary to effectuate our ruling. See *supra* note 6.

Denied*Competitive Bidding - Improper Service Provider Involvement and Services Never Delivered*<sup>21</sup>

Technology Consulting Resources, Ltd (Omega Academy), Application No. 313925, Request for Review, CC Docket No. 02-6 (filed May 27, 2008)

*Invoiced for Product/Service Not Approved on Form 471*<sup>22</sup>

North Side Community School, MO, Application No. 181037353, Request for Waiver and/or Review, CC Docket No. 02-6 (filed Jan. 23, 2020)

*Invoice Filing Deadline Extension*<sup>23</sup>

Hardee County School District, FL, Application No. 201023816, Request for Waiver, CC Docket No. 02-6 (filed July 14, 2022)

Pangea Networks, LLC (Grandview C4 School District), MO, Application No. 201037932, Request for Waiver, CC Docket No. 02-6 (filed July 14, 2022)

RSU 40, ME, Application No. 201014986, Request for Waiver, CC Docket No. 02-6 (filed July 20, 2022)

*Late-Filed FCC Form 471*<sup>24</sup>

Allentown Public Library, PA, Application Nos. 221040761, 221040760, Request for Waiver, CC Docket No. 02-6 (filed July 25, 2022)

Columbus Public School District, NE, Application No. 221040753, Request for Waiver, CC Docket No. 02-6 (filed July 21, 2022)

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<sup>21</sup> See *Request for Review of Decisions of the Universal Service Administrator by Akisha Networks Inc.*, Order, CC Docket No. 02-6, 27 FCC Rcd 8294, 8295-8296, para. 2 (WCB 2012) (denying an E-Rate funding request after finding “[a] consultant, acting on behalf of the applicant, exerts great influence ... and thus, should not have a financial relationship with a service provider which it selects (or recommends) on behalf of the applicant.”); *Request for Waiver or Review of a Decision of the Universal Service Administrator by Premio Computer, Inc.*, CC Docket No. 02-6, Order, 29 FCC Rcd 8185, 8186-8188, paras. 5, 7, 8 (WCB 2014) (directing recovery against the service provider when it submitted invoices for services that it never provided or delivered).

<sup>22</sup> *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924, 1925, para. 1 (WCB 2012) (finding petitioners had not demonstrated good cause to justify waivers permitting changes to the applicants’ E-Rate applications).

<sup>23</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (denying petitioners’ requests for waiver of the Commission’s invoice filing deadline rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission’s invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

<sup>24</sup> See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (denying waivers of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

DCYF Alternative School, RI, Application No. 221040730, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2022)

East Palestine City School District, OH, Application No. 221040716, Request for Waiver, CC Docket No. 02-6 (filed July 6, 2022)

Freedom Area School District, WI, Application Nos. 221040729, 221040728, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2022)

Fremont-Mills Community School District, IA, Application Nos. 221040737, 221040738, Request for Waiver, CC Docket No. 02-6 (filed July 15, 2022)

Groesbeck Public Library, TX, Application No. 221040725, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2022)

Hernando Christian Academy, FL, Application No. 221039692, Request for Waiver, CC Docket No. 02-6 (filed July 19, 2022)

Holyoke Community Charter School, MA, Application No. 221040740, Request for Waiver, CC Docket No. 02-6 (filed Aug. 2, 2022)

Illini West High School District # 307, IL, Application No. 221040712, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2022)

Inverness Christian Academy, FL, Application No. 221040110, Request for Waiver, CC Docket No. 02-6 (filed July 26, 2022)

Jefferson County Public Library, NM, Application No. 221040781, Request for Waiver, CC Docket No. 02-6 (filed Aug. 4, 2022)

Kent School District, WA, Application No. 221040735, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2022)

Mena Public School District, AR, Application No. 221040732, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2022)

Mena Public School District, AR, Application No. 221040731, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2022)

Putnam County Library System, FL, Application No. 221040759, Request for Waiver, CC Docket No. 02-6 (filed July 25, 2022)

San Diego Jewish Academy, CA, Application No. 221040197, Request for Waiver, CC Docket No. 02-6 (filed July 19, 2022)

St. Nicholas Catholic School, ID, Application No. 221040778, Request for Waiver, CC Docket No. 02-6 (filed Aug. 2, 2022)

*Untimely Filed Appeals or Waiver Requests*<sup>25</sup>

Bergen Catholic School, NJ, Application No. 221004381, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2022)

Brookings Harbor District 17 C, OR, Application No. 221040078, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2022)

Colegio Cristiano Robles De Justicia, PR, Application No. 221011959, Request for Waiver, CC Docket No. 02-6 (filed Aug. 1, 2022)

Eagle Elementary of Akron, OH, Application No. 221035952, Request for Waiver, CC Docket No. 02-6 (filed July 25, 2022)

Elkhorn Valley Schools, NE, Application No. 221004980, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2022)

Insight Public Sector (San Benito Consolidated Independent School District), TX, Application No. 191031412, Request for Waiver, CC Docket No. 02-6 (filed Apr. 21, 2022)

Lubavitch Mesivta of Chicago, IL, Application No. 1000765, Request for Waiver, CC Docket No. 02-6 (filed Sept. 16, 2022)

Persistence Preparatory Academy, NY, Application No. 211006940, Request for Waiver, CC Docket No. 02-6 (filed Oct. 7, 2021)

Persistence Preparatory Academy, NY, Application No. 221004388, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2022)

Scott County Unified School District 466, KS, Application No. 211030746, Request for Waiver, CC Docket No. 02-6 (filed Aug. 4, 2022)

Yeshiva Tifereth Moshe, NY, Application No. 1002656, Request for Waiver, CC Docket No. 02-6 (filed Aug. 17, 2021)

**Emergency Connectivity Fund****WC Docket No. 21-93****Granted***Early Delivery*<sup>26</sup>

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<sup>25</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684, 5688, para. 6 (WCB 2010) (*Agra Public Schools Order*); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823, para. 1 (WCB 2014) (*Bound Brook School District Order*) (denying requests for review and/or waiver on the grounds that the petitioners failed to (1) submit their appeals either to the Commission or to USAC within 60 days or failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules; and (2) did not demonstrate special circumstances required for the Commission to waive the rule).

Edison School District, NJ, Application No. ECF222117492, Request for Review and Waiver, WC Docket No. 21-93 (filed Aug. 2, 2022)

Flandreau School District 50-3, SD, Application No. ECF202105864, Request for Review and Waiver, WC Docket No. 21-93 (filed July 22, 2022)

Sioux Falls School District, SD, Application No. ECF202115014, Request for Review and Waiver, WC Docket No. 21-93 (filed June 3, 2022)

Dismissed as Moot<sup>27</sup>

Jeff Davis County School District, GA, Application No. ECF202101693, Request for Review, WC Docket No. 21-93 (filed Feb. 2, 2022)

**Rural Health Care Program**

**WC Docket No. 02-60**

Granted

*Waiver of the Invoice Filing Deadline—Sua Sponte Waiver*<sup>28</sup>

BVCOGNet, TX, *Sua Sponte Waiver*, WC Docket No. 02-60, Funding Request No. 16251981

Kansas Health-e Broadband Consortium, KS, *Sua Sponte Waiver*, WC Docket No. 02-60, Funding Request No. 19637721

(Continued from previous page)

<sup>26</sup> See, e.g., *Request for Review of the Decision of the Universal Service Administrator by Nassau County Board of Cooperative Educational Services; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24584, 24587-89, paras. 7-10 (WCB 2002) (allowing applicant to install equipment just before the start of the funding year to ensure that the accompanying recurring services can be delivered when the funding year starts); *Request for Review of a Decision of the Universal Service Administrator by Coordinated Construction, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 14308, 14309, para. 4 (WCB 2011) (waiving the Commission's rules when applicant received E-rate-supported services before the start of the approved funding year); *Streamlined Resolution of Requests Related to Actions By the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 06-122, 10-90, Public Notice, 30 FCC Rcd 3893, 3894 (WCB 2015) (granting a waiver request when the applicant received E-Rate-supported equipment before the start of the funding year, but stored and waited to use the equipment until the funding year began). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules establishing the start of the relevant funding period as July 1, 2021. See 47 CFR § 54.1708(b).

<sup>27</sup> See, e.g., *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al Noor High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223 (WCB 2012) (dismissing as moot requests for review where USAC took the requested action and approved the underlying funding request).

<sup>28</sup> See *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 35 FCC Rcd 1986, 1994 (WCB 2020) (*Funding Year 2018 Invoice Waiver Order*); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 32 FCC Rcd 5065, 5065-66, paras. 2, 4 (WCB 2017) (*Funding Year 2016 Invoice Waiver Order*) (granting a waiver *sua sponte* of the invoice filing deadline when the deadline had already passed at the time that health care providers received USAC's decision, which made compliance with program rules impossible). We waive the petitioners' invoice filing deadlines and allow 180 days from the later of the release date of this Public Notice or the issuance date of a funding commitment letter (FCL) to file the invoices with USAC.

Kansas Health-e Broadband Consortium, KS, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19572641

New England Telehealth Consortium, ME, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 18208021

New England Telehealth Consortium, ME, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19208041

South Central Kansas Regional Medical Center, KS, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19206201

Denied

*Competitive Bidding*<sup>29</sup>

Ascension Health, WI, Request for Review and/or Waiver, WC Docket No. 02-60, Funding Request No. 19632891 (filed Mar. 15, 2021)

Contribution Methodology

**WC Docket No. 06-122**

Denied

*Request for Waiver of Late Fees*<sup>30</sup>

Ubilynx, LLC, Letter from Tony Farley, to Federal Communications Commission, WC Docket No. 06-122 (filed Aug. 10, 2022)

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<sup>29</sup> The funding request number for the Ascension Health Request for Review and/or Waiver was incorrect in a prior public notice. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket No. 02-60, Public Notice, DA 22-785 (WCB July 29, 2022). We now include the request with the correct funding request number.

<sup>30</sup> 47 CFR § 54.713. See, e.g., *Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service; Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Universal Service Contribution Methodology; Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010) (good cause not shown when filers claim they were unaware of their obligation to file the forms, ignorant of the process for electronically filing the forms, or had otherwise failed to file the forms); *Federal-State Joint Board on Universal Service, Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (finding that good cause not shown when filer claimed it did not have skilled personnel to interpret and correctly apply FCC 499 instructions).

Dismissed Without Prejudice*Request for Waiver of Form 499-A Revision Deadline*<sup>31</sup>

Zen Communications, LLC, Request for Waiver, WC Docket No. 06-122 (filed Mar. 23, 2022)

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at james.bachtell@fcc.gov or (202) 418-2694.

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<sup>31</sup> 47 CFR § 1.1910(b). See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Net56, Inc., Wheeling School District 21, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13122, 13126, para. 6 (WCB 2013) (dismissing E-Rate applicant's funding year 2010 request pursuant to the Commission's "red light rules"). To the extent Zen Communications' financial situation makes it difficult to pay the invoice in full, it may set up a payment plan with USAC to satisfy the obligation. See <https://www.usac.org/service-providers/making-payments/how-to-pay/payment-plans/>.